

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

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MONDAY, THE TWENTY SECOND DAY OF AUGUST

TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

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WP.NO.18367 OF 2005

Between:

Nelapati Kondaiah & Ors. ... Petitioners

Versus

The District Collector,

Nellore, Nellore District & Ors. ... Respondents

Counsel for the Petitioners: Mr.G.Tuhin Kumar (6581)

Counsel for the Respondents: GOVT.PLEADER FOR REVENUE

ORDER :

This writ petition is filed assailing the action of the respondents in not considering the case of the petitioners for assignment of land in an extent of Acs:13-55 cents situate in RS.Nos. 378, 379, 383 and 169 popularly known as Suddarai Beedu at Kakarlapadu village, AS Peta Revenue Mandal, Nellore district, as arbitrary, unreasonable and consequently direct the respondents to consider their case for assignment of the said lands as per Board Standing Orders and till then not to evict them from undivided lands to an extent of Acs:13-55 cents situate in RS.Nos.378, 379, 383 and 169 popularly known as Suddarai Beedu at Kakarlapadu village, AS Peta Revenue Mandal, Nellore district.

The facts of case are that the petitioners and some other ryots are the pattedars of the lands in an extent of Acs:26-42 cents situate in survey nos.376, 377, 380, 381

and 382 popularly known as Suddarai Beedu of Kakarlapadu village, AS Peta Revenue Mandal, Nellore district. The said lands have been in possession of their ancestors and there is no dispute with regard to the ownership of these lands.

The petitioners and some other ryots are in joint possession of the lands to an extent of Acs:13-55 cents situate in various RS.Nos.378, 379, 383 and 169 which are in the middle of Suddarai Beedu of Kakarlapadu village, AS Peta Mandal, Nellore district for more than 100 years. As the said lands belonging to the petitioners and others have been situated in the middle of patta lands, there is no separate way to approach these lands.

The petitioners further submit that they have submitted several representations to the respondents to consider their case for assignment of the aforesaid lands pursuant to the orders of the Government made in Board Standing Orders, but the respondents failed to take any action on their representations.

The main grievance of the petitioners is that they have been in possession of the said lands for more than hundred years and therefore they are legally entitled to the assignment of the said lands.

On the other hand, the learned Govt.Pleader for Revenue submitted that the petitioners have not placed any scrap of paper showing that they have been in continuous possession of the land in question for the last 100 years.

After hearing the learned counsel for the petitioners as well as the learned Govt.Pleader for the respondents, I am not able to appreciate the contentions raised by the learned counsel for the petitioners for the simple reason that the petitioners

fail to file documentary evidence showing that they have been in possession and enjoyment over the aforesaid land and on perusal of the record there is no cist receipts etc. Except raising the contention that they have been in possession of the land in question for the last 100 years and that they are entitled to seek assignment of the land, there is no documentary evidence on record to consider the case of the petitioners. Therefore, I am not satisfied with the contentions raised by the petitioners to entertain this writ petition. However, this order does not preclude the petitioners to approach either this court by way of writ petition or appear before the respondents along with documentary evidence to support their contention that they have been in possession of the aforesaid lands for the last more than a century.

With the above observation, the writ petition is accordingly dismissed at the admission stage. No costs.

AUGUST 22nd, 2005. -----

I s L. ELIPE DHARMA RAO , J.